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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Brazil, Canada, Chile, Costa Rica, Ecuador, Liechtenstein, Mexico and Panama: draft resolution

Protecting human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law, including in response to terrorism and the fear of terrorism,

Recalling its relevant resolutions on measures to eliminate international terrorism, in particular resolutions 49/60 of 9 December 1994 and 51/210 of 17 December 1996, as well as Security Council resolutions 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and 1377 (2001) of 12 November 2001 recognizing, inter alia, the value of assistance and best practice in the fight against terrorism,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which states that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

[1] A/CONF.157/24 (Part I), chap. III.

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Recalling its resolution 56/160 of 19 December 2001, and noting Commission on Human Rights resolution 2002/35 of 22 April 2002 on human rights and terrorism,[2]

Reaffirming its unequivocal condemnation of all the acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomsoever committed, and renewing its commitment to strengthening international cooperation to combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that under article 4 of the International Covenant on Civil and Political Rights[4] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be of an exceptional and temporary nature, and in all cases in accordance with that article,

1. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to take into account relevant resolutions and decisions on protecting human rights while countering terrorism, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of human rights treaty bodies;

3. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms:

(a) To examine the question of protecting human rights and fundamental freedoms while countering terrorism, taking into account information from all relevant sources, including Governments and international and non-governmental organizations;

(b) To make recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States upon their request, as well as to United Nations bodies;

4. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session.

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.